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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,595	03/14/2000	Asawaree P. Kalavade	5	7955
46363	7590	01/31/2006		
PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			EXAMINER DINH, KHANH Q	
			ART UNIT 2151	PAPER NUMBER

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/525,595	Applicant(s) KALAVADE, ASAWAREE P.	
	Examiner Khanh Dinh	Art Unit 2151	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-20,22-40 and 42-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-20,22-40 and 42-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/2005 has been entered.
2. Claims 2-20, 22-40 and 42-50 are presented for examination.

Double Patenting Rejection

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 3, 11, 18, 22, 31-34 of the instant application are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over some claims of U.S. Patent No. 6,901,067.

Claims 1, 3, 11, 18, 22, 31-34 of the instant application is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over some claims of Kalavade et al (Hereafter, Kalavade), U.S. Patent No. 6,901,067 in view of Wiser et al (hereafter Wiser), U.S. Patent No. 6,330,675. Although the conflicting claims are not identical, they are not patentably distinct from each other because modifications are obvious.

Regarding claim 1, claim 1 of U.S. Pat. No. 6,901,067 recites all limitations in claim 1 [see col.14 lines 1-16]. It does not explicitly teach responsive to receipt of said request, a session for said requested media content said session is remotely controllable via said client device using control messages for controlling presentation of said requested media content; receiving, at said first interface, said stream media packets being encoded media packets adapted to one of a plurality of encoded streaming media formats and forming a PCM signal stream corresponding to said specified media content launching, from said first interface said PCM signal stream onto a network operable to convey said PCM signal stream . However, Wiser, in the same field of

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managing the file system endeavor, discloses responsive to receipt of said request, a session for said requested media content said session is remotely controllable via said client device using control messages for controlling presentation of said requested media content; receiving, at said first interface, said stream media packets being encoded media packets adapted to one of a plurality of encoded streaming media formats and forming a PCM signal stream corresponding to said specified media content launching, from said first interface said PCM signal stream onto a network operable to convey said PCM signal stream [see Wiser, abstract, figs.2, 3, col.4 line 14 to col.5 line 60]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Wiser's teachings into the computer system of Kavalade, because it would have reduced the risk of an authorizing copying of digital file during transmission across insecure links over a communications network.

Regarding claims 3, 11 and 18, claims 2, 4, 5 of U.S. Patent No. 6,901,067 contain every element of claims 3, 11 and 18 of the instant application and as such anticipate claims 3, 11 and 18 of the instant application.

Regarding claim 22, claim 1 of U.S. Pat. No. 6,901,067 recites all limitations in claim 1 [see col.14 lines 1-16]. It does not explicitly teach responsive to receipt of said request, a session for said requested media content said session is remotely controllable via said client device using control messages for controlling presentation of said requested media content; receiving, at said first interface, said stream media packets being encoded media packets adapted to one of a plurality of encoded streaming media formats and forming a PCM signal stream corresponding

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to said specified media content launching, from said first interface said PCM signal stream onto a network operable to convey said PCM signal stream . However, Wiser, in the same field of managing the file system endeavor, discloses responsive to receipt of said request, a session for said requested media content said session is remotely controllable via said client device using control messages for controlling presentation of said requested media content; receiving, at said first interface, said stream media packets being encoded media packets adapted to one of a plurality of encoded streaming media formats and forming a PCM signal stream corresponding to said specified media content launching, from said first interface said PCM signal stream onto a network operable to convey said PCM signal stream [see Wiser, abstract, figs.2, 3, col.4 line 14 to col.5 line 60]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Wiser's teachings into the computer system of Kavalade, because it would have reduced the risk of an authorizing copying of digital file during transmission across insecure links over a communications network.

Regarding claims 31-34, claims 13, 15, 14 and 16 (respectively) of U.S. Patent No. 6,901,067 contain every element of claims 31-34 of the instant application and as such anticipate claims 31-34 of the instant application.

Art Rejection

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-20, 22-40 and 42-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sicher et al US pat. No.6,385,195 in view of Fitch et al., US pat. No.6,647,389.

As to claim 44, Sicher discloses an apparatus for accepting streamed media packets sent from an Internet content provider server (using the a radio base station 17 of fig.1) and converting it to a pulse code modulate signal stream comprising:

a circuit switch line interface for receiving a request for a specified media content available from said content provider server (see abstract, col.3 line 14-58 and col.4 line 47 to col.5 line 20).

a service control module coupled with said circuit switch line interface establishing, said service control module operable to solicit, accept and process from said client device (14 fig.2) over a circuit switch network and a session control module coupled to said service control module and coupled to an interface to the Internet, said session control module operable to establish a session with said Internet content provider server for said requested media content and receiving (at 14 fig.2) said streamed media packets from said Internet service provider, said stream media packets being encoded streaming media formats (using voice encoding protocol) and a media translation module coupled to said interface to the Internet, said media translation

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module operable to decode streamed media formats and translate said decoded streamed media packets into said PCM stream (translating voice frame packets) (PCM conversions of data frames, see col.5 line 21 to col.6 line 61).

wherein said PCM signal stream is cell casted to said client device and at least another client device (see fig.3, col.6 line 27 to col.7 line 67).

Sicher does not specifically disclose a specified media content comprising at least one of live and archived media content. However, Fitch discloses a media content comprising at least one of live and archived media content (see figs.1A-D, 6, col.4 line 4 to col.5 line 50 and col.10 lines 3-65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Fitch's teaching into the computer system of Sicher to provide various media streams because it would have periodically provided various media streams and identified various characteristics of each stream on the network (see Fitch's col.2 lines 24-63).

As to claims 45 and 46, Sicher further discloses converting said request by utilizing an audio session gateway protocol into a format recognizable by said content provider and cell casting said PCM signal stream over a plurality of circuit-switched connections (see col.4 line 33 to col.5 line 55 and col.6 line 28 to col.7 line 47).

As to claims 47-48, Fitch further discloses encoded formats comprising of one of MP3, Windows Media and RealAudio (MP3, col.1 lines 19-48). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement MP3 format into the computer system of Sicher because it would have allowed digital communication between a

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server computer and a client computer using a wide choice of network protocols (see col.1 lines 19-48).

As to claims 49 and 50, Sicher further discloses establishing a session comprising remotely controlling operations of said sessions via said mobile device (mobile station 15 fig.2), initiating said session from a mobile device and sending control information associated with at least one of normal play and trick play of said requested media content (controlling the transmissions from the mobile station to the Internet, see col.5 lines 4-35 and col.6 line 27 to col.7 line 29).

Response to Arguments

7. Applicant's arguments filed on 12/12/2005 have been fully considered but they are not persuasive.

- Applicant asserts that the Sicher reference does not disclose the limitations of claim 44.

Examiner respectfully disagrees. Sicher discloses the applicant's claimed invention by disclosing an apparatus for accepting streamed media packets sent from an Internet content provider server (using the a radio base station 17 of fig.1) and converting it to a pulse code modulate signal stream comprising: a circuit switch line interface for receiving a request for a specified media content available from said content provider server (see abstract, col.3 line 14-58 and col.4 line 47 to col.5 line 20), a service control module coupled with said circuit switch line interface establishing, said service control module operable to solicit, accept and process from

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said client device (14 fig.2) over a circuit switch network and a session control module coupled to said service control module and coupled to an interface to the Internet, said session control module operable to establish a session with said Internet content provider server for said requested media content and receiving (at 14 fig.2) said streamed media packets from said Internet service provider, said stream media packets being encoded streaming media formats (using voice encoding protocol) and a media translation module coupled to said interface to the Internet, said media translation module operable to decode streamed media formats and translate said decoded streamed media packets into said PCM stream (translating voice frame packets) (PCM conversions of data frames, see col.5 line 21 to col.6 line 61), wherein said PCM signal stream is cell casted to said client device and at least another client device (see fig.3, col.6 line 27 to col.7 line 67). Sicher does not specifically disclose a specified media content comprising at least one of live and archived media content. However, Fitch discloses a media content comprising at least one of live and archived media content (see figs.1A-D, 6, col.4 line 4 to col.5 line 50 and col.10 lines 3-65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Fitch's teaching into the computer system of Sicher to provide various media streams because it would have periodically provided various media streams and identified various characteristics of each stream on the network (see Fitch's col.2 lines 24-63) as rejected above.

Conclusion

8. Claims 2-20, 22-40 and 42-50 are *rejected*.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Primary Examiner
Art Unit 2151
1/26/2006